IN THE HIGH COURT OF BOMBAY AT GOA

COMPANY APPLICATION NO. 380 OF 2001

OFFICIAL LIQUIDATOR, HIGH COURT OF BOMBAY, PANAJI ... Applicant

Versus

HARISHCHANDRA A.PRASAD LODHI ... Respondent

Ms.Amira Razaq, Advocate for the Applicant.

Coram:- N. A. BRITTO, J.

Date:- 27th April, 2007

P.C.:-

Heard Ms. A. Razaq, learned Counsel on behalf of the applicant/O.L.

None present on behalf of the respondent.

The matter is being proceeded exparte.

This is a claim application filed by the applicant/O.L. for the recovery of a sum of Rs.3,540/- as on 30-4-2001, from the respondent due on account of a loan of Rs.3000/- taken by the respondent on 3-11-1997 from the Company in Liquidation. The respondent was duly served but has chosen not to contest the proceedings. On behalf of the applicant/O.L., Mr. Vilas S. Hajare, Senior Technical Assistant has filed the affidavit. It is stated on behalf of the applicant/O.L. that the applicant/O.L. does not have in his records the original documents executed at the time of taking the said loan except for the loan ledger, copy of which has been produced and three notices sent to the respondent, copies of which have also been produced, namely copies of notices dated 15-2-1999, 24-11-1999 and 5-10-2000. The original notices have been perused and so also the ledger which has been returned to the applicant's representative. Since the respondent has chosen not to contest the same, on the basis of the affidavit and the documents filed along with it, I have no hesitation to hold the claim of the applicant as proved. Consequently, the respondent is hereby

directed to pay to the applicant a sum of Rs.3,540=00 as on 30-4-2001 with pending interest at the rate of 15%. It is stated that a deposit of Rs.1,080/- held by the respondent was adjusted thereby leaving the balance to be paid by the respondent in the sum of Rs.3,540/- as on 1-1-1999. The respondent is therefore directed to pay the said amount of Rs.3,540/- to the applicant with pending interest at the rate of 15% and future interest at the rate of 6%, with costs.

N. A. BRITTO, J.

RD.